

IN THE UNITED STATES DISTRICT COURT
FOR THE Southern DISTRICT OF TEXAS
Galveston DIVISION

Form To Be Used By A Prisoner in Filing a Complaint
Under the Civil Rights Act, 42 U.S.C. § 1983

United States Courts
Southern District of Texas
FILED

JERRY LENEZ BANGHORN #1568309

NOV 19 2014

Plaintiff's name and ID Number

David J. Bradley, Clerk of Court

59 DARRINGTON RD
DARRINGTON UNIT - ROSHARON, TEXAS 77583

Place of Confinement

CASE NO:

(Clerk will assign the number)

v.

DAMON, ALEXANDER

Defendant's name and address

DARRINGTON, UNIT
59. DARRINGTON, RD.

ROSHARON, TEXAS 77583

Defendant's name and address

Defendant's name and address

(DO NOT USE "ET AL.")

INSTRUCTIONS - READ CAREFULLY

NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, DO NOT USE THE REVERSE SIDE OR BACK SIDE OF ANY PAGE. ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the Clerk of the United States Court for the appropriate District of Texas in the Division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. The list labeled as "VENUE LIST" is posted in your unit law library. It is a list of Texas prison units indicating the appropriate District Court, the Division and an address of the Divisional Clerks.

FILING FEE AND IN FORMA PAUPERIS

1. In order for your complaint to be filed, it must be accompanied by the filing fee of \$350.00.
2. If you do not have the necessary funds to pay the filing fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis* (IFP), setting forth the information to establish your inability to prepay the fees and costs or give security therefore. You must also include a six (6) month history of your Inmate Trust Account. You can acquire the application to proceed IFP and appropriate Inmate Account Certificate from the law library at your prison unit.
3. 28 U.S.C. 1915, as amended by the Prison Litigation Reform Act of 1995 (PLRA), provides, "...if a prisoner brings a civil action or files and appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." Thus, the Court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the Court will apply 28 U.S.C. 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your Inmate Account, until the entire \$350 filing fee has been paid.
4. If you intend to seek *in forma pauperis* status, then do not send your complaint without an Application to Proceed IFP, and the Certificate of Inmate Trust Account. Complete all the essential paperwork before submitting it to the Court.

CHANGE OF ADDRESS

It is your responsibility to inform the Court of any change of address and its effective date. Such notice should be marked "**NOTICE TO THE COURT OF CHANGE OF ADDRESS**" and shall not include any motions(s) for any other relief. Failure to file a NOTICE TO THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedures.

I. PREVIOUS LAWSUITS:

- A. Have you filed any other lawsuits in the state or federal court relating to imprisonment? _____ YES NO
- B. If your answer to "A" is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)
 1. Approximate date of filing lawsuit: _____ N/A
 2. Parties to previous lawsuit:
Plaintiff(s): _____ N/A
 - Defendant(s): _____ N/A
 3. Court (If federal, name the district; if state, name the county) _____
 4. Docket Number: _____ N/A
 5. Name of judge to whom case was assigned: _____ N/A
 6. Disposition: (Was the case dismissed, appealed, still pending?)
_____ N/A

7. Approximate date of disposition: _____ N/A

II. PLACE OF PRESENT CONFINEMENT: DARRINGTON UNIT 59, DARRINGTON RD, ROSHARON, TX 77583.

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted both steps of the grievance procedure in this institution? YES NO

Attach a copy of the Step 2 grievance with the response supplied by the prison system.

IV. PARTIES TO THE SUIT:

A. Name of address of plaintiff: JERRY LENEZ BANGMON
DARRINGTON UNIT, 59, DARRINGTON RD, ROSHARON, TEXAS 77583

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: MR. DAMON, ALEXANDER; C.O.V., TEXAS DEPARTMENT OF CRIMINAL JUSTICE
DARRINGTON UNIT, 59, DARRINGTON RD, ROSHARON, TEXAS 77583

Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you.
VIOLATED THE PLAINTIFF'S 8TH AND 14TH AMENDMENT RIGHTS TO THE U.S. CONSTITUTION, WHILE ACTING UNDER THE COLOR OF STATE LAW, IN HIS INDIVIDUAL AND OFFICIAL CAPACITY

Defendant #2: MR. SERGIO G. BUIENTELLO, C.O.V. TEXAS DEPARTMENT OF CRIMINAL JUSTICE
DARRINGTON UNIT, 59, DARRINGTON RD, ROSHARON, TEXAS 77583

Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you.
WHILE ACTING UNDER THE COLOR OF STATE LAW, IN HIS INDIVIDUAL AND OFFICIAL CAPACITY, VIOLATED THE PLAINTIFF'S EIGHTH AND FOURTEENTH AMENDMENT RIGHTS TO THE U.S. CONSTITUTION, FAILING TO ACT REASONABLY

Defendant #3: MR. WILLIE M. RATLIFF; SERGEANT: TEXAS DEPARTMENT OF CRIMINAL JUSTICE
DARRINGTON UNIT, 59, DARRINGTON RD, ROSHARON, TEXAS 77583

Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you.
WHILE ACTING UNDER THE COLOR OF STATE LAW, IN HIS INDIVIDUAL AND OFFICIAL CAPACITY VIOLATED THE PLAINTIFF 8TH AND 14TH AMENDMENT RIGHTS TO THE U.S. CONSTITUTION, FOR DENYING PLAINTIFF MEDICAL CARE

Defendant #4: MS. GRETA K. BENNETT; DISCIPLINARY CAPTAIN: TEXAS DEPARTMENT OF CRIMINAL JUSTICE
DARRINGTON UNIT, 59 DARRINGTON RD, ROSHARON, TEXAS 77583

Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you.
WHILE ACTING UNDER THE COLOR OF STATE LAW, IN HER INDIVIDUAL AND OFFICIAL CAPACITY VIOLATED PLAINTIFF 8TH AND 14TH AMENDMENT RIGHTS THAT ARE SECURED BY THE U.S. CONSTITUTION FOR FAILING TO ACT REASONABLY TO REPORT OF USE OF FORCE

Defendant #5: MS. BEVERLY A. WHITE; LIEUTENANT: TEXAS DEPARTMENT OF CRIMINAL JUSTICE
DARRINGTON UNIT, 59 DARRINGTON RD, ROSHARON, TEXAS 77583

Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you.
WHILE ACTING UNDER THE COLOR OF STATE LAW, IN HER INDIVIDUAL AND OFFICIAL CAPACITY VIOLATED THE PLAINTIFF'S 8TH AND 14TH AMENDMENT RIGHTS TO THE U.S. CONSTITUTION "FOR FAILING TO ACT REASONABLY, DENIAL OF MEDICAL CARE"

V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal argument or cite any cases of statutes. If you intent to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember that the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

§ 1983 CIVIL and CRIMINAL COMPLAINT: IS BEING FILED AGAINST DEFENDANT: MR. DAMON ALEXANDER, C.O.V. IS about left 6'0 IN. HEIGHT and 2100 LBS. IN WEIGHT, A CORRECTION OFFICER WHO WORKS IN THE DARRINGTON UNIT, A STATE PENAL INSTITUTION LOCATED IN BUSHYARD TEXAS, BROWNSVILLE COUNTY, AND WHILE ACTING UNDER THE COLOR OF STATE LAW, IN HIS INDIVIDUAL AND OFFICIAL CAPACITIES, HAS VIOLATED THE PLAINTIFF'S EIGHTH AND FOURTEENTH AMENDMENT RIGHTS THAT ARE SECURED BY THE U.S. CONSTITUTION, BY THE INFILCTION OF OFFICIAL OPPRESSION, CRUEL AND UNUSUAL PUNISHMENT AND THE RIGHT TO BE SECURE IN ONE'S OWN PERSON, MR. ALEXANDER HAS USED UNNECESSARY, EXCESSIVE USE OF FORCE ON THE PLAINTIFF BY BRUTALLY AND SADISTICALLY SNATCHING THE PLAINTIFF FROM TO ELEVEN FEET ACROSS THE HALLWAY AND THROWING HIM INTO A WALL WHILE ON CRUTCHES CAUSING A SERIOUS BODILY INJURY TO THE PLAINTIFF THAT LED TO THE INTENTIONAL WANTON INFILCTION OF PAIN WITHOUT NEED OR PROVOCATION LEAD TO THE PLAINTIFF HAVING A MAJOR SURGERY TO WHICH PLAINTIFF HAD TO HAVE A BODY PART REMOVED, PLEASE SEE MEMORANDUM IN FULL DETAIL WITH EXHIBITS.

VI. RELIEF: State briefly exactly what you want the court to do for you. Make no legal arguments. Cite not cases or statutes.

DECLARE THAT THE FACTS AND OMISSION DESCRIBED HEREIN VIOLATED PLAINTIFF'S RIGHTS UNDER THE U.S. CONSTITUTION, THAT GRANT MONETARY, OTHER JUST AND EQUITABLE RELIEF COURTS DEEMS NECESSARY.

VII. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases:

JERRY LENEZ BANGMAN

B. List all TDCJ-ID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you, if know to you.

CURRENT 1568309

VIII. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? YES NO

B. If your answer is "yes", give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

- Court that imposed sanctions (If federal, give district and division): N/A
- Case Number: N/A
- Approximate date sanctions were imposed: N/A
- Have the sanctions been lifted or otherwise satisfied? N/A YES N/A NO

PARTIES TO THE SUIT CONT.

Defendant #6: MS. AQUISHA GUYDRE; FORMER GRIEVANCE INV. #1147 CURRENT-PATIENT LIAISON PROGRAM

OFFICE OF PROFESSIONAL STANDARDS T.D.C.J. HEALTH SERVICES TWO FINANCIAL PLAZA
Suite 625 HUNTSVILLE, TX 77340 (936) 437-4271

WHILE IN HIS INDIVIDUAL AND OFFICIAL CAPACITIES, AND WHILE ACTING UNDER THE COLOR
OF STATE LAW, DEPRIVED THE PLAINTIFF OF HIS 8TH AND 14TH AMENDMENT RIGHTS TO THE U.S.
CONSTITUTION, BY INTENTIONALLY FAILING TO ACT REASONABLY, OFFICIAL OPPRESSION,

DEFENDANT #7: MR. EDGAR J. HULIPAS; MEDICAL DIRECTOR; TEXAS DEPARTMENT OF CRIMINAL JUSTICE (T.D.C.J.)

DARRINGTON, UNIT 59, DARRINGTON RD. ROSHARON, TEXAS 77583.

WHILE IN HIS INDIVIDUAL AND OFFICIAL CAPACITY, AND WHILE ACTING UNDER THE COLOR OF STATE LAW
VIOLATED THE PLAINTIFF 8TH AND 14TH AMENDMENT RIGHTS TO THE U.S. CONSTITUTION BY THE
INFILCTION OF OFFICIAL OPPRESSION, "DELIBERATE INDIFFERENCE TO A SERIOUS MEDICAL NEEDS, OF PLAINTIFF

DEFENDANT #8: MR. TERRY W. SPEERS; NURSE PRACTITIONER - TEXAS DEPARTMENT OF CRIMINAL JUSTICE (T.D.C.J.)

DARRINGTON UNIT 59, DARRINGTON RD. ROSHARON, TEXAS 77583.

WHILE IN HIS INDIVIDUAL AND OFFICIAL CAPACITY, AND WHILE ACTING UNDER THE COLOR OF
STATE LAW, HAS VIOLATED THE PLAINTIFFS 8TH AND 14TH AMENDMENT RIGHTS TO THE U.S.
CONSTITUTION, BY INFILCTION OF OFFICIAL OPPRESSION "DELIBERATE INDIFFERENCE TO A SERIOUS
MEDICAL NEEDS

WITNESS #9: MS. EMILY SHORTRIDGE; EYE SPECIALIST - THE UNIVERSITY OF TEXAS MEDICAL

BRANCH GALVESTON, 301 UNIVERSITY BLVD. GALVESTON, TEXAS 77555-1007

HELPED PLAINTIFF TO RECEIVE THE PROPER MEDICAL CARE FOR HIS SERIOUS MEDICAL NEEDS
BY PUTTING IN REFERRALS FOR THE PLAINTIFF TO RECEIVE PROSTHESIS (CANE) FOR AMPUTATION AND
REFERRAL TO ORTHO-SPINE-SPECIALIST - FOR M.R.I. AND SURGERY.

C. Has any court ever warned or notified you that sanctions could be imposed? YES NO

D. If your answer is "yes", give the following information for every lawsuit in which warning was imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed warning (if federal, give the district and division): N/A
2. Case number: N/A
3. Approximate date warning were imposed: N/A

Executed on: 11-7-14
(Date)

Jerry Lenez Bungman
(Printed Name)
Jerry Lenez Bungman
(Signature of Plaintiff)

PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachment thereto are true and correct.
2. I understand if I am released or transferred, it is my responsibility to keep the Court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand that I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions in a Court of the United States while incarcerated or detained in any facility, which lawsuits are dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger or serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire \$350 filing fee and costs assess by the Court, which shall be deducted in accordance with the law from the inmate account by my custodian until the filing fee is paid.

Signed this 7 day of NOVEMBER, 20 14.
(Day) (Month) (Year)

Jerry Lenez Bungman
(Printed Name)
Jerry Lenez Bungman
(Signature of Plaintiff)

WARNING: The Plaintiff is hereby advised any false or deliberately misleading information provided in response to the following questions will result in the imposition of sanctions. The sanctions the Court may impose include, but are not limited to monetary sanctions and/or the dismissal of this action with prejudice.